

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRANDI ADRIENNE YOUNGER,
Plaintiff,
v.
ALVAREZ, et al.,
Defendants.

No. 1:24-cv-00098-KES-SAB (PC)

ORDER DIRECTING THAT THIS ACTION
PROCEED ONLY ON PLAINTIFF'S
FAILURE TO PROTECT CLAIM AGAINST
CERTAIN DEFENDANTS AND
DISMISSING ALL OTHER CLAIMS AND
DEFENDANTS FROM FIRST AMENDED
COMPLAINT

Docs. 10, 14

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On April 12, 2024, the assigned magistrate judge issued findings and recommendations finding that plaintiff's first amended complaint failed to state a claim for unconstitutional conditions of confinement against defendant Arreola and recommending this case proceed only on plaintiff's failure to protect claim against defendants Alvarez, Gonzales, and Harris. Doc. 11. On December 30, 2024, the Court ordered the findings and recommendations issued on April 12, 2024 (Doc. 11) adopted in part and granted plaintiff thirty days to file a second amended complaint consistent with the Court's order. Doc. 14. The Order informed plaintiff that if she did

1 “not timely file a second amended complaint, this case w[ould] proceed only on plaintiff’s failure
2 to protect claim against defendants Alvarez, Gonzales and Harris as recommended by the findings
3 and recommendations (Doc. 11), and any other claims in plaintiff’s first amended complaint will
4 be dismissed pursuant to this Order.” *Id.* at 9. Plaintiff has not filed a second amended
5 complaint, and the time to do so has passed.

6 Accordingly,

- 7 1. This case shall proceed only on plaintiff’s failure to protect claim against defendants
8 Alvarez, Gonzales, and Harris as recommended by the findings and recommendations
9 (Doc. 11);
- 10 2. All other claims and defendants in plaintiff’s first amended complaint are dismissed
11 pursuant to the Court’s Order issued December 30, 2024; and
- 12 3. The matter is referred back to the assigned magistrate judge for further proceedings.

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15 IT IS SO ORDERED.

16 Dated: February 16, 2025



UNITED STATES DISTRICT JUDGE